

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SQUIRRELL et al.

Serial No. 09/763,824

Atty Dkt. 1498-119

C# M#

Group Art Unit: 1652

Examiner:

Filed: February 27, 2002

Date: August 19, 2002

Title: NOVEL ENZYME

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment previously paid for	0	minus highest number		
20	(at least 20) =	0 x \$ 18.00	\$	0.00
Independent claims after amendment previously paid for	0	minus highest number		
3	(at least 3) =	0 x \$ 84.00	\$	0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)				
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)				
Terminal disclaimer enclosed, add \$ 110.00				
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)				\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed				
<input type="checkbox"/> Submission attached				
<b>Subtotal</b>				<b>\$ 0.00</b>
If "small entity," then enter half (1/2) of subtotal and subtract				
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith				
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)				
Assignment Recording Fee (\$40.00)				
Other: Notification of Defective Response; Amendment in Response to Notice Under 37 CFR Sections 1.821-825; Raw Sequence Listing Error Report; Statement to Support Filing and Submission in Accordance with 37 CFR Sections 1.821-1.825 and paper and computer readable copies of the Sequence Listing				
<b>TOTAL FEE ENCLOSED</b>				<b>\$ 0.00</b>

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:plb

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763,824	David J Squirrell	1498-119
INTERNATIONAL APPLICATION NO.		
PCT/GB99/03538		
I.A. FILING DATE	PRIORITY DATE	
10/26/1999	10/28/1998	
<b>CONFIRMATION NO. 3738</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC00000008460510*		

Date Mailed: 07/17/2002

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Claims
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Drawings
- Initial Application Filing Fees
- Oath or Declaration
- Oath or Declaration
- Original Specification
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- Please refer to the attached error report
- APPLICANT MUST PROVIDE:
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentln Software, call (703) 306-2600
- For Patentln Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

---

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

---

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/763,824	PCT/GB99/03538	1498-119

FORM PCT/DO/EO/916 (371 Formalities Notice)

**09/763,824**

**DOES NOT COMPLY WITH THE  
SEQUENCE RULES. See reasons below.**

Applicants have not provided the amino acid sequences of the luciferase polypeptides necessary for a determination of the position of the claimed mutations. The incorporation of this essential material by merely providing descriptions of the term "luciferase" along with the species of origin in the specification and claims is improper. See MPEP § 2420 for the requirements for patent applications containing amino acid sequences.